

**STATE BAR OF CALIFORNIA  
COMMITTEE ON PROFESSIONAL RESPONSIBILITY AND CONDUCT**

**OPEN SESSION AGENDA**

Friday, June 2, 2017  
(10:00 am – 5:00 pm)

State Bar Office – San Francisco  
180 Howard Street  
San Francisco, CA 94105  
(415) 538-2116

Questions regarding any agenda item should be directed to the Committee Coordinator, Andrew Tuft at (415) 538-2172, 180 Howard Street, San Francisco, CA 94105 or Chair, Suzanne Burke Spencer at (415) 538-2107, 180 Howard Street, San Francisco, CA 94105.

**I. REMARKS FROM THE CHAIR**

**A. Announcements**

**B. Staff Report**

**C. Approval of Open Session Action Summary from the April 22, 2017 Meeting**  
(Materials enclosed.) *[pages 1 – 4]*

**II. DRAFT OPINIONS PREVIOUSLY CIRCULATED FOR PUBLIC COMMENT**

**NOTE:** No items in this category under consideration at this time.

**III. DRAFT OPINIONS NOT YET RELEASED FOR PUBLIC COMMENT**

(Name with asterisk is lead drafter, underline is newly added co-drafter, and bracketed name is mentor.)

\*Brain  
De Cure  
Osman  
Spencer  
[Baldwin]

**A. 12-0003 [re Attorney Directory and Rating Websites]**  
(Materials enclosed.) *[pages 5 – 27]*

\*Baldwin  
Bomse  
Bundy  
Dilworth  
Tausch  
[Spencer]

**B. 12-0005 [re Law Firm In-House Counsel]**  
(Materials to be circulated prior to meeting.)

\*Tausch  
Bundy  
De Cure  
Deitz  
Solomon  
[Spencer]

- C. **13-0002 [re Attorney with a Vulnerable Client]**  
(Materials enclosed.) *[pages 29 – 45]*

\*Roche  
Dilworth  
Bomse  
Osman  
Singh  
[Spencer]

- D. **13-0003 [re Ethical Obligations When Departing Firm]**  
(Materials to be circulated prior to meeting.)

\*Spencer  
Tausch  
Singh  
[Baldwin]

- E. **13-0004 [re Collecting Unpaid Fees]**  
(Materials enclosed.) *[pages 47 – 66]*

\*Deitz  
Dilworth  
Spencer  
Tausch  
[Baldwin]

- F. **14-0001 [re Colleague Impairment]**  
(Materials to be circulated prior to meeting.)

\*Bomse  
Brain  
Bundy  
Deitz  
[Baldwin]

- G. **14-0002 [re Alternative Litigation Funding]**  
(Materials to be circulated prior to meeting.)

\*Spencer  
Bomse  
Dilworth  
Osman  
[Baldwin]

- H. **14-0003 [re Settling Before Withdrawal]**  
(Materials enclosed.) *[pages 67 – 78]*

\*De Cure  
Brain  
Hodel  
Richardson  
Singh  
[Spencer]

- I. **14-0004 [re Witness Perjury]**  
(Materials to be circulated prior to meeting.)

\*Osman  
Deitz  
Tausch  
[Spencer]

- J. **16-0001 [re Practice in Multiple Firms]**  
(Materials to be circulated prior to meeting.)

\*Brain  
Baldwin  
Deitz  
Singh  
Solomon  
[Spencer]

- K. **16-0002 [re Lost or Stolen Laptop or Briefcase]**  
(Materials to be circulated prior to meeting.)

\*Bundy  
Bomse  
Dilworth  
[Baldwin]

- L. **16-0003 [re Ancillary Business]**  
(Materials to be circulated prior to meeting.)

#### IV. **PUBLIC INPUT ON OPINIONS CIRCULATING FOR PUBLIC COMMENT**

No opinions circulating for public comment.

#### V. **DISCUSSION OF NEW OPINION TOPICS**

(Materials enclosed.) *[pages 79 – 84]*

#### VI. **VICE-CHAIR ELECTION**

(Candidate statements enclosed.) *[pages 85 – 87]*

#### VII. **SPECIAL PROJECTS**

(Name with asterisk is lead drafter, underline is newly added co-drafter, and bracketed name is mentor.)

\*Staff/  
Leadership

- A. **2017 Appointment Nominations Subcommittee**  
(Staff/Leadership to present a status report.)

\*Bomse  
\*Brain  
\*Tausch[Bal  
dwin]

- B. **Outreach Subcommittee**  
(Subcommittee to present a status report.)  
*Outreach Presentations*  
Outreach and coordination of speakers for CLE presentations will be handled by Michele Tausch.

##### *California Bar eJournal Article Assignments*

The articles are intended to be on an ethics issue, should not exceed 2000 words (although there is some room there), and should not have many (if any) footnotes or excessive cites. The article must be accompanied by a 20-question true/false test, with the answers annotated in the “answer key”. The questions must be derived from the content and the answers must be clear from the content of the article. We do not focus on ABA authorities, although sometimes we cite them. The questions and answers must be taken exactly from the article, and must be unambiguous in their meaning. ***Articles should be submitted to Ms. Bomse and Prof. Brain by the deadline date for review.***

##### **2017 CBJ Articles**

May Issue (Deadline: April 1) – Michele Tausch  
June Issue (Deadline: May 1) – Drew Dilworth  
July Issue (Deadline: June 1) – Steven Sparta

August Issue (Deadline: July 1) Joel Osman  
September Issue (Deadline: August 1) – Merri Baldwin  
October Issue (Deadline: September 1) – Ujvala Singh  
November Issue (Deadline: October 1) – Steve Bundy  
December Issue (Deadline: November 1) – Eric Deitz  
(*The Ethics of Advising Client in the Marijuana Industry*)  
January Issue (Deadline: December 1) – Dena Roche

- \*Dilworth      **C.      Rules Revision Commission Subcommittee**  
(Staff/Leadership to present a status report, if necessary.)

### ***CLOSED SESSION***

- \*Staff/  
Leadership      **A.      2017 Appointment Nominations Subcommittee**  
(Discussion of appointment nominees, if needed.)